

3692. Misbranding of "Quickstep, Frye's Remedy." U. S. v. Laura M. Frye. Plea of nolo contendere. Information placed on file. (F. & D. No. 5860. I. S. No. 4309-e.)

At the December, 1914, term of the District Court of the United States within and for the District of Massachusetts, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Laura M. Frye, Lynn, Mass., trading as the Frye Remedy Co., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 10, 1913, from the State of Massachusetts into the State of New York, of a quantity of a drug denominated "Quickstep, Frye's Remedy," which was misbranded. The product was labeled: (On carton) "Quickstep, Frye's Remedy Cures Rheumatism, Headache, Constipation, Indigestion and Dyspepsia Different in every way from other remedies. Best Blood Purifier in the World and Leaves no injurious Effects Cures when everything else fails." (On wrapper of cans) "Quickstep. Frye's Remedy for Rheumatism and all diseases caused by Poor Blood, never failing in hopeless Chronic cases of Muscular Rheumatism, Inflammatory Rheumatism, Rheumatic Gout, Neuralgia, Sciatica, Constipation, Malaria, Headache, Biliousness, Indigestion, Insomnia, Nervous Affections, Loss of Vigor. Is the Best Blood Purifier and Spring Medicine. It corrects the action of the Stomach, Liver, Bowels, Kidneys and Circulation. Limbers, Quickens and Strengthens the Muscles, softens and absorbs the deposits, and restores the system to its natural condition. What more can medicine do for any disease? Contains no Salicylates, or other injurious ingredients, and leaves no injurious effects. It is different from all other remedies, and necessarily should be to cure you." (On leaflet) "Frye's remedy. Cures when everything else fails. The best blood purifier and circulator in the world." "For headache and indigestion take half a teaspoonful in half a glass of water any time when needed; cures quickly." "The remedy that cures chronic rheumatism. Prevents appendicitis by purifying the blood and keeping the bowels clear and clean."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 99.81 per cent of potassium sodium tartrate with a very small amount of pink colored granulated sugar.

Misbranding of the product was alleged in the information for the reason that the following statements regarding its therapeutic or curative effects, appearing on the packages or cartons aforesaid, to wit, "Frye's remedy cures rheumatism, headache, constipation, indigestion and dyspepsia." "Best blood purifier in the world * * *" were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that the article was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for the cure of rheumatism, headache, indigestion and dyspepsia, and effective for purifying the blood, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of rheumatism, headache, indigestion and dyspepsia, or effective for purifying the blood. Misbranding was alleged for the further reason that the following further statements regarding its therapeutic or curative effect appearing on the label of the retail cans aforesaid, to wit, "Frye's Remedy for rheumatism and all diseases caused by poor blood, never failing in hopeless chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, constipation, malaria, headache, biliousness, indigestion, insomnia, nervous affections, loss of vigor," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent

falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that it was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for the cure of rheumatism and all diseases caused by poor blood, and chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, malaria, headache, biliousness, indigestion, insomnia, nervous affections, loss of vigor, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of rheumatism and all diseases caused by poor blood, and chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, malaria, headache, biliousness, indigestion, insomnia, nervous affections, loss of vigor. Misbranding was alleged for the further reason that the following statements, regarding the therapeutic or curative effect thereof, appearing in the printed leaflet aforesaid, to wit, "Cures when everything else fails—Best blood purifier and circulator in the world;" "For headache and indigestion take half a teaspoonful in half a glass of water any time when needed; cures quickly;" "The remedy that cures chronic rheumatism;" "Prevents appendicitis by purifying the blood and keeping the bowels clear and clean," were false and fraudulent in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that said article was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for curing headache and indigestion, chronic rheumatism, and for preventing appendicitis, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of headache, indigestion, chronic rheumatism, or preventing appendicitis.

On December 14, 1914, the defendant entered a plea of nolo contendere to the information, and the same was placed on file by the order of the court.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., March 26, 1915.